

From: Tim Cramer
To: Microsoft ATR
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Subject: Microsoft Settlement

I must say that I'm very displeased with the current settlement. I may be biased as I work for a competitor to Microsoft, but the settlement is a mear slap on the wrist and offers no real benefit to consumers. In section III, prohibited conduct, you state that Microsoft can still offer discounts, market development allowances, & programs as long as they are "uniformly available" to all OEM's. It is not difficult for Microsoft to come up with ways of making things unattainable except to their "friends" such that they can receive the large discounts. Quite possibly, anyone offering non-Microsoft OS's will sell fewer Window's licenses and fall from the Top10 or Top20 volume group and lose their discount.

In sections D/E Microsoft needs to disclose ways of interoperating with Windows, but that doesn't mean "all" the ways. Frequently, what Microsoft has done is have "secret" API's that they use internally which are much more reliable or fast, thus gaining on the competition. The only way to truly know the APIs is to force Microsoft to publish the source code, something they are completely unwilling to do.

I don't believe that this judgement goes nearly far enough to protect us from the Microsoft monopoly. Now Microsoft moves to take over the internet with it's .NET architecture, seeking to grab a percentage of every transaction taking place on the internet and holding private records for everyone with a Passport account (which all HotMail users have to have as well as anyone who get's Windows XP, eventually everyone). Microsoft has serious security breaches on a nearly weekly basis, I would love an alternative to .Net/Passport and I hope we get one, but it won't happen while Microsoft destroys all competition.

Tim Cramer
21601 W Lochinvar Ln
New Berlin, WI 53146
262-446-4931